

Docket No.: KOPELLE
Serial No.: 10/621,900

REMARKS

The last Office Action of March 10, 2004 has been carefully considered. Reconsideration of the instant application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1-7 are pending in the application. Claim 1 has been amended. No claims have been canceled. Claim 8 has been added. A total of 8 claims is now on file. No claim surcharge is due. No amendment to the specification has been made.

It is noted that claims 1-7 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 2, 4 and 6 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hall Vandis in view of Arad and further in view of U.S. Pat. No. 5,788,554 ("Hall Vandis") in view of U.S. Pat. No. 5,376,038 ("Arad").

Claim 3 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Hall Vandis in view of Arad and further in view of U.S. Pat. No. 5,788,554 ("Goodwin").

Claim 5 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Hall Vandis in view of Arad and further in view of U.S. Pat. No. 4,917,607 ("Van Hoose").

Claim 7 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Hall Vandis in view U.S. Pat. No. 4,280,292 ("Hills") and Arad.

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REJECTION OF CLAIM 1-7 UNDER 35 U.S.C. §112, SECOND PARAGRAPH

The Examiner's rejection has been rendered moot by the amendment to claim 1. Applicant has changed the terms "calm and tranquil" in order to overcome the rejection. It is believed that the current terminology is definite.

Furthermore, applicant has inserted the antecedent basis for the recitation of "the activation pad" so that this rejection is likewise overcome.

In view of the foregoing amendments, the rejection is now moot.

Withdrawal of the rejection of the claims 1-7 under 35 U.S.C. §112, second paragraph is thus respectfully requested.

REJECTION OF CLAIMS 1, 2, AND 4 UNDER 35 U.S.C. §103(a) AS BEING UNPATENTABLE OVER HALL VANDIS IN VIEW OF ARAD

In view of the Examiner's rejection, applicant has amended claim 1. Claim 1 now complies with the requirements of Section 112 and further recites features of the present invention which distinguish over the prior art.

The Examiner has cited Hall Vandis as teaching a doll with calm and tranquil features two elongated flexible arms and two leg portions.

The Examiner's determination is confusing since the Hall Vandis doll does not show any arms that are elongated, in fact the doll only shows exactly the opposite, namely truncated arms. Applicant's amended claim 1 clearly sets forth that the arms have to extend around the torso of a person and are attachable to

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a substrate. This feature clearly distinguishes from the doll in Hall Vandis, therefore, claim 1 as clarified patentably distinguishes over the Hall Vandis reference.

The Examiner admits that Hall Vandis does not teach an electronic circuit including a sound module and other feature as claimed. Therefore, the Examiner cites the Arad reference that allegedly teaches switching means and voice synthesizing means which could have been incorporated into the Hall Vandis doll.

Arad teaches a doll for children which has specifically in the face and head sensors that trigger recording. This doll is designed as a teaching tool. Significantly, the Arad doll requires similar to the Hall Vandis doll that the utterings are prerecorded. Claim 1 however requires that the speech be electronically synthesized. Combining the Arad doll with the Hall Vandis doll would not result in the comfort buddy as claimed.

As for the rejection of the retained dependent claims, these claims depend on claim 1, share its presumably allowable features, and therefore it is respectfully submitted that these claims should also be allowed.

Withdrawal of the rejection of claims 1, 2 and 4 under 35 U.S.C. §103(a) and allowance thereof are thus respectfully requested.

REJECTION OF CLAIMS 5 UNDER 35 U.S.C. §103(a) AS BEING UNPATENTABLE OVER HALL VANDIS IN VIEW OF ARAD AND FURTHER IN VIEW OF GOODWIN.

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The Examiner has taken an "pick and chose" approach to the examination of the present application in that references are cited and their particular features are picked out and placed together with the main Hall Vandis reference. Moreover, it is applicant's contention that the Examiner relied upon hindsight to arrive at the determination of obviousness. It is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious. In re Gorman, 933 F.2d 982. The case at hand clearly teaches the desire to provide a different comfort buddy. There is no teaching or suggestion supporting the combination as proposed by the Examiner. The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification. In re Gordon, 733 F.2d at 902.

Applicant's doll consists of a body assembly, with a corpulent torso and an outer covering of soft material and an interior body cavity; a head portion having a face with a smiling mouth two elongated flexible arms of a length to fit around the torso of a person and configured to be attachable to a substrate, and two truncated leg portions provided with activation pads; and a plurality of switching means covered by said outer covering, and associated with the leg portions of the assembly and connected to the electronic circuit so as to provide a switch signal response to a user's touching of the respective leg portion activation pads; and wherein the sound module includes a voice synthesizing means for electrical synthesizing a plurality of soothing, reassuring, comforting, and universal words in response to a switch signal provided; the voice synthesizing means including

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speaker means for audibilizing said electronically synthesized words.

The combination of Hall Vandis, Arad and Von Hoose does not render the claimed invention obvious. Hall Vandis does not teach a doll body with elongated arms that can be attached to a substrate; Arad does not teach synthesized speech patterns; Von Hoose does not teach a corpulent doll. The combination of the references does not render the claimed doll obvious.

Withdrawal of the rejection of claim 5 under 35 U.S.C. §103(a) and allowance thereof are thus respectfully requested.

REJECTION OF CLAIMS 7 UNDER 35 U.S.C. §103(a) AS BEING UNPATENTABLE OVER HALL VANDIS IN VIEW OF HILLS AND ARAD.

The Examiner's rejection is respectfully traversed. Claim 7 is dependent on claim 1 and therefore incorporates the features of claim 1, which are considered distinguished over the prior art as discussion herein supra.

Hills does not teach a doll for therapeutic purposes. Hills discloses a puppet to be animated by a puppeteer. There is nothing in Hills that renders the claimed method obvious regardless of arms that are detachable.

Withdrawal of the rejection of claim 7 under 35 U.S.C. §103(a) and allowance thereof are thus respectfully requested.

CITED REFERENCES

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Applicant has also carefully scrutinized the further cited prior art and finds it without any relevance to the newly submitted claims. It is thus felt that no specific discussion thereof is necessary.

CONCLUSION

Applicant believes that when the Examiner reconsiders the claims in the light of the above comments, he will agree that the invention is in no way properly met or anticipated or even suggested by any of the references however they are considered.

None of the references discloses a therapeutic buddy with features as recited in claim 1.

In view of the above presented remarks and amendments, it is respectfully submitted that all claims on file should be considered patentably differentiated over the art and should be allowed.

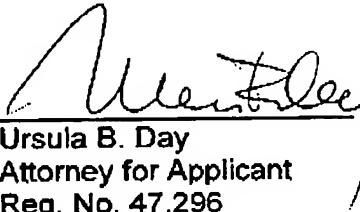
Reconsideration and allowance of the present application are respectfully requested.

Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawing, then it is respectfully requested that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. If the Examiner feels that it might be helpful in advancing this case by calling the undersigned, applicant would greatly appreciate such a telephone interview.

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The Commissioner is hereby authorized to charge fees which may be required, or credit any overpayment to Deposit Account No. 50-1747.

Respectfully submitted,

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